

NOV. 26. 2003 12:50PM

858 792-6773 FOLEY AND LARDNER

RECEIVED
NO. 6058 CENTRAL FAX CENTER

FOLEY & LARDNER
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEYLARDNER.COM

NOV 26 2003

OFFICIAL

FACSIMILE TRANSMISSION

Total # of Pages 7 (including this page)

TO:	PHONE #:	FAX #:
Art Group 1634 U.S. Patent and Trademark Office		(703) 872-9306

From : Richard San Pietro
Email Address : rsanpietro@foleylaw.com
Sender's Direct Dial : 858.847.6717
Date : November 26, 2003
App. Serial Number : 09/816,248
Client/Matter No : 089491-0201
User ID No : 0079

OFFICIAL

Transmitted herewith for filing is the following:

- 1) Transmittal (2 pages); and
- 2) Response and Amendment (4 pages).

Thank you.

If there are any problems with this transmission or if you have not received all of the pages, please call (858) 847-6756.

Operator:	Time Sent:	Return Original To: Line S. Gauthier
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 089491-0201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Baumann, et al.

Title: PROTECTION-OF-TELOMERE-1 (POT-1) PROTEIN AND ENCODING POLYNUCLEOTIDES

Appl. No.: 09/816,248

Filing Date: 03/26/2001

Examiner: Myers, Carla J.

Art Unit: 1634

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. (703.672.9306)

Richard San Pietro
(Printed Name)

Richard San Pietro
(Signature)

November 26, 2003
(Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

The fee required for additional claims is calculated below:

Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
4	- 48 =	0 x	\$18.00 =	\$0.00
2	- 3 =	0 x	\$86.00 =	\$0.00
First presentation of any Multiple Dependent Claims:		+ \$290.00 =		\$0.00
CLAIMS FEE TOTAL =				\$0.00

Atty. Dkt. No. 089491-0201

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Nov. 26, 2003

By

Richard S. Pietro

Richard J. Warburg
FOLEY & LARDNER
Customer Number: 30542
Telephone: (858) 847-6700
Facsimile: (858) 792-6773

Richard San Pietro
Attorney for Applicant
Registration No. 45,071

NOV. 26. 2003 12:50PM 858 792-6773 FOLEY AND LARDNER

NO. 6058 P. 4 NOV 26 2003

Atty. Dkt. No. 089491-0201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Peter Baumann, et al.

Title: PROTECTION-OF-TELOMERE-1
(POT-1) PROTEIN AND
ENCODING
POLYNUCLEOTIDES

Appl. No.: 09/816,248

Filing Date: 03/26/2001

Examiner: Myers, Carla J.

Art Unit: 1634

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. (703.872.9306)	
<u>Richard San Pietro</u> (Printed Name)	
<u>RSJ</u> (Signature)	
Nov. 26, 2003 (Date of Deposit)	

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated August 26, 2003, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 3 of this document.

Please amend the application as follows: